

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

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May 4, 2004

FROM: RONALD D. REITZ
County Counsel

SUBJECT: AMENDMENT TO AGREEMENT WITH MOSKOWITZ, BRESTOFF, WINSTON & BLINDERMAN, AND LLP, REGARDING LEGAL SERVICES

RECOMMENDATION: Approve Amendment No. 4 to **Agreement No. 02-810** with Moskowitz, Brestoff, Winston & Blinderman, LLP, to increase funding for legal services by \$175,000 for a total of \$475,000 in connection with the Mid-Valley Landfill perchlorate issue. (4 votes required)

BACKGROUND INFORMATION: On August 6, 2002 the Board approved the referenced contract with the Moskowitz firm to provide legal services relative to the perchlorate matter. Thus far, the Moskowitz firm has provided legal advice and assistance and has retained water experts and an investigator to determine the prior owners of, and users of perchlorate on, the northeast expansion property acquired by the County for the Mid-Valley expansion.

The \$175,000 increase in funding provided for in this Amendment is necessary to allow the Moskowitz firm to continue to provide legal advice and representation relative to perchlorate, with more than \$100,000 to be used to continue to fund work by the water experts and the investigation into the prior owners of, and users of perchlorate on, the northeast expansion property.

REVIEW BY OTHERS: This action has been reviewed by Solid Waste Management Division, (Peter Wulfman, Title, Phone Number) on April ____, 2004; County Counsel (Robert L. Jocks, Deputy County Counsel, Phone Number) on April 23, 2004, and by the County Administrative Office (Tracy Lindsay and Tom Forster, Administrative Analysts) on April 23, 2004.

FINANCIAL IMPACT: This action will have no impact on the General Fund. There is sufficient funding in the 2003/2004 budget of the Solid Waste Management Division (EAA SWM) to cover this contract.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and concurs with the department's proposal and recommends this action based on the following: The revision to the contract amount is necessary to ensure continued representation of the County in perchlorate related matters and the continued investigation of those responsible for the presence of perchlorate on the County's property.

SUPERVISORIAL DISTRICT(S): All

PRESENTER: Ronald D. Reitz, County Counsel, 387-5459

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